



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Set Public Hearing for March 20, 1996 to Consider Appeal Received from Mullen, Sullivan & Newton on Behalf of Richard Gallantine Regarding Mitigation Fees for the Applicability of the Dedication and Off-Site Improvement Sections of the Lodi Municipal Code

**MEETING DATE:** February 21, 1996

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** That the City Council set a public hearing for March 20, 1996 to consider appeal received from Mullen, Sullivan & Newton on behalf of Richard Gallantine regarding mitigation fees for the applicability of the dedication and off-site improvement sections of the Lodi Municipal Code.

**BACKGROUND INFORMATION:** The City Clerk's office received a letter (attached) from Mullen, Sullivan & Newton on behalf of Richard Gallantine requesting that a public hearing be set for March 20, 1996 to consider its appeal regarding mitigation fees for the applicability of the dedication and off-site improvement sections of the Lodi Municipal Code.

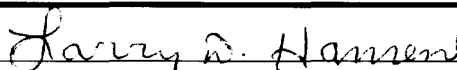
**FUNDING:** None required.

  
Jennifer M. Perrin  
City Clerk

JMP

Attachment

APPROVED: \_\_\_\_\_



H. Dixon Flynn -- City Manager

THOMAS J. NEWTON  
CRAIG RASMUSSEN  
STEPHEN C. SNIDER  
JAMES V. DEMERA III

MULLEN, SULLIVAN & NEWTON

ATTORNEYS AT LAW  
1111 WEST TOKAY STREET  
P. O. BOX 560  
LODI, CALIFORNIA 95241-0560  
(209) 334-5144  
FAX (209) 333-1034

OF COUNSEL  
ROBERT H. MULLEN  
C. M. "BUD" SULLIVAN

RECEIVED  
FEB -5 PM 3:01

February 2, 1996

City Clerk  
City of Lodi  
P. O. Box 3006  
Lodi, CA. 95241

RE: Appeal of Richard Gallantine

Dear Madam Clerk:

On July 31, 1995, my client, Richard Gallantine, agreed to continue any hearing before the City Council on the issue of mitigation fees or the applicability of the dedication and off-site improvement sections of the City Code while we attempted to negotiate some type of resolution of our disagreements.

At this time, it appears we have reached an impasse, and the purpose of this letter is to request that the matter be put on the City Council calendar for public hearing.

I would request that the matter be noticed at the meeting on February 21, 1996, and the public hearing to occur at the meeting on March 20, 1996.

Please let me know if you have any questions or comments.

Very truly yours,

MULLEN, SULLIVAN & NEWTON

by

*Stephen C. Snider*  
sw

STEPHEN C. SNIDER

SCS:sw

cc: City Attorney's Office  
Public Works Department  
Richard Gallantine



**CITY OF LODI**  
Carnegie Forum  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**

Date: March 20, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

**Jennifer M. Perrin**  
City Clerk  
Telephone: (209) 333-6702

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that on Wednesday, March 20, 1996, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Appeal received from Mullen, Sullivan & Newton on behalf of Richard Gallantine regarding mitigation fees for the applicability of the dedication and off-site improvement sections of the Lodi Municipal Code.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

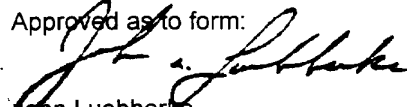
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, P.O. Box 3006, at or prior to the Public Hearing.

By Order of the Lodi City Council:

  
Jennifer M. Perrin  
City Clerk

**Dated: February 21, 1996**

Approved as to form:

  
John Luebberke  
City Attorney



## **DECLARATION OF MAILING**

### **Public Hearing - Richard Gallantine Appeal**

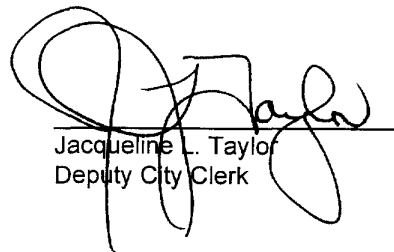
On February 22, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 22, 1996, at Lodi, California.

Jennifer M. Perrin  
City Clerk

A handwritten signature in black ink, appearing to read "Jacqueline L. Taylor", is written over a horizontal line.

Jacqueline L. Taylor  
Deputy City Clerk

## **MAILING LIST**

John M. Luebberke  
Deputy City Attorney

Sharon Welch  
Public Works Department

Mullen, Sullivan & Newton  
P.O. Box 560  
Lodi, CA 95241-0560